

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DE'ANDRE IVISON WESTON,  
Plaintiff,  
v.  
DR. JOANNA,  
Defendant.

Case No. 1:24-cv-00638-KES-HBK (PC)  
ORDER DIRECTING PLAINTIFF TO  
RESPOND TO MOTION TO DISMISS OR  
FILE AMENDED COMPLAINT  
TWENTY-ONE (21) DAY DEADLINE

Plaintiff De'Andre Ivison Weston ("Plaintiff") is pretrial detainee proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. On June 26, 2025, Defendant Joana Motiu, DDS, filed a Motion to Dismiss under Federal Rules of Civil Procedure 12(b)(4) and 12(b)(5), asserting that Plaintiff named an incorrect defendant and effectuated insufficient service of process. (Doc. No. 22, "Motion"). Defendant noticed the Motion for a hearing for August 4, 2025 at 1:00 p.m. before the undersigned. Consistent with Local Rule 230(l), the Court vacates the hearing date.<sup>1</sup>

Accordingly, it is HEREBY ORDERED that:

1. The Court vacates the August 4, 2025 hearing date on the Motion.
2. Within **twenty-one (21) days of service of this Order**, Plaintiff shall either:

<sup>1</sup> Motions in prisoner actions are submitted upon the record without oral argument.

- a. File a First Amended Complaint correctly naming Defendant and providing updated USM-285 service documents; or
  - b. File a written opposition to the pending Motion to Dismiss (Doc. No. 22).
3. The Clerk of the Court shall send Plaintiff a blank civil rights complaint form for his use as appropriate, and one (1) USM-285 form, one (1) summons, a Notice of Submission of Documents form, an instruction sheet, and a copy of his Complaint filed on May 30, 2024, (Doc. No. 1).

Dated: July 24, 2025

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE